

CHARTER COMMISSION
COMMITTEE ON SUBMISSION AND INFORMATION
CITY AND COUNTY OF HONOLULU

WEDNESDAY, JULY 20, 2006
CITY COUNCIL COMMITTEE ROOM
SECOND FLOOR, HONOLULU HALE
4:00 P.M.

MINUTES

Committee Members Present:

Jan Sullivan
Donn Takaki
Jeffrey Mikulina
Jim Myers
E. Gordon Grau

Committee Members Absent

Amy Hirano – Excused
Darolyn Lendio - Excused

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Diane Kawauchi, Deputy Corporation Counsel, Department of the Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

1. Call to Order

Committee Chair Jan Sullivan called the meeting to order at 4:02 p.m. on July 20, 2006. Chair Sullivan explained the purpose of the meeting and went over housekeeping rules and stated that testimony will be limited to three minutes and must be related to the agenda.

2. Executive Administrator's Report

Executive Administrator Narikiyo reported that there are several matters on the agenda. Under the Commission's Rules, the Committee on Submission on Information shall consider and report to the full Commission for their approval the method and manner of submitting the proposed amendments to the charter to the people. They would also prepare and present the Commission for its approval the plan or method of informing the people of the proposed amendments. They would also prepare and present to the Commission for its approval a report to the people outlining the results the Commission's work and make recommendations to the Commission on the Commission's calendar.

Executive Administrator Narikiyo stated this Committee is in charge of preparing a public information program and presenting it to the Commission for their approval. They are also tasked with preparing a final report; that would happen later.

Executive Administrator Narikiyo went through the handouts in the distributed materials. The first item was the yellow sheet titled Task, Dates, and Possible Timeline (**Attachment 1**), which is a document with key dates and tasks staff worked on with Chair Sullivan and Commissioner Myers. He gave in depth details of the dates and items listed. Also included in the handout were excerpts from various other jurisdictions' voter education materials (**Attachment 2**) as well as the 1992 and 1998 Honolulu Charter Commission excerpts from brochures and newspaper advertisement (**Attachment 3**). There are also budget related items that Commissioner Myers and Executive Administrator Narikiyo worked on when they submitted the proposed budget for the new fiscal year to the City Council. The first budget sheet is an example that they solicited for a media worksheet (**Attachment 4**). This worksheet was provided to the Council for the budget. It includes publishing of the digest/notice in the daily newspapers. There are also figures for ethnic newspapers including translation fees and included languages beyond the minimum required under the Voting Rights Act. There are also figures for television ads. Executive Administrator Narikiyo explained this was to give the Committee an idea of the parameters he and Commissioner Myers were looking at when they were working on the budget. Also included was a preliminary estimate (**Attachment 5**) Commissioner Myers was able to procure for mailing and printing services. The last handout was a draft public education plan (**Attachment 6**). Executive Administrator Narikiyo stated one of the things the Committee should do is approve a draft plan for the full Commission's review and approval in August and staff drafted the attached as a starting point.

Executive Administrator Narikiyo stated that the goals for today are the review and approval of the Public Information Program; deciding on the general format for the digest and mass mailing brochure; select or delegate the selection of vendors for mailing, printing and media services; and figuring how they are going to do the photography, alternative graphics and mock-up of the ads for review at the next Committee meeting.

Commissioner Mikulina arrived – 4:13p.m.

Public Testimony:

1. Tom Heinrich

Tom Heinrich testified he had three comments. He stated he would prefer to present the proposed change in a form of a question rather than a statement subject to the Committee on Style's decision. He went on to say the 1992 Charter Commission emphasized people to make a cheat sheet through their brochure so the voter could go to the voting booth prepared. He asked that when this Committee does their layout to include a little area in which their reader could indicate "yes or no". Mr. Heinrich's last comment was that this Commission has not really advocated for various proposals and thinks it would be difficult for the Committee on Submission and Information to recommend including pro and con statements. He stated he thinks it's necessary to provide what the effect of the proposals would be but unless the Commission wants to

take more of an advocacy role in how it conducts itself, from his prospective to include pro and con statements doesn't seem to have been the direction of the Charter Commission and strongly urged hesitancy to include those types of statements.

Commissioner Myers commented he would concur with Mr. Heinrich to have a cheat sheet and is a simple thing they could add and thought it's a good idea.

3. **Public Information Program**

Chair Sullivan stated the discussion before Committee is the plan and schedule for the Public Information Program. She stated Executive Administrator Narikiyo referred to the Public Education Plan handout (**Attachment 6**). She went over the items on the handout. Discussion followed.

Commissioner Grau asked if the Radio Stations and Newspapers would provide Public Service Announcements at no charge? Commissioner Myers responded the political season is like Christmas is to retailers; it's Christmas time for broadcasters. He went on to say they are bumping paid advertising off the station because there are required to in many cases, they are bumping paid advertising off their stations to take political ads. Commissioner Myers stated they may offer good rates from time to time but they would not do public service for political. Commissioner Mikulina asked Commissioner Myers doesn't the radio has to do a number of PSA's? Commissioner Myers responded technically political ads are really not considered PSA's necessarily and they do have to do a few but it is very little. He stated the Commission could ask and if they buy paid schedules, there may be some bonus spots but there are really strict laws dealing with political advertising.

Chair Sullivan asked Commissioner Myers from a budget standpoint there was a summary (**Attachment 4**) in their handout regarding estimated cost and asked him to advise the Committee what was budgeted for the outreach activities. Executive Administrator Narikiyo responded he did not have his budget folder available but it was in line with the budget figures reflected in the handout. Commissioner Myers added they used the handout to develop the budget and they estimated on the high end and it was passed by the City Council. He went on to say he believes they have sufficient amounts in the budget unless prices escalated since they got the estimates. Executive Administrator Narikiyo commented they tried to be conservative because if they have more money, they could do more things. He went on to say the budget that was passed contains enough money to do what is outlined in the draft plan before the Committee. Chair Sullivan asked regarding the estimated cost if he could clarify for the Committee. She asked if the newspaper publication was meant to be for one day only? Executive Administrator Narikiyo responded yes it would be one day in each of the two newspapers. Commissioner Myers added they based it on a two-page spread of the newspaper. Commissioner Myers clarified one of the two newspapers is on the price bid list for the City so they gave it to the Commission on the price bid rate and the other newspaper gave the price quote on their regular rate. Chair Sullivan asked to clarify the television rates is for 8 days over a period of time? Commissioner Myers responded in the affirmative. Commissioner Grau asked if the price included the composition or just

the actual printing. Commissioner Myers clarified for the television commercials; the Commission would have to present them with an already pre-dubbed spot, which was budgeted on the production side. He stated for the radio stations, most of them would cut a spot for them and would prefer to have the same voice doing it for all stations so there would be consistency. He went on to say the radio spots are easy to get if the Commission decides to do radio.

Commissioner Mikulina asked what was the vision of the presentation to organizations and Neighborhood Boards? Executive Administrator Narikiyo responded they are still trying to figure out what was done in the past and commented it may have been an informational packet that was sent out and maybe a presentation to various representatives as opposed to attendance at every neighborhood board meeting.

Commissioner Takaki commented if asked, the Commission has gone out to various community groups to do presentations. Commissioner Takaki stated he has gone and done some presentations to community groups to bring them up to date as part of the Commission's public outreach.

Commissioner Takaki asked Chair Sullivan what is the difference between the digest and brochure? He asked if the digest would be written justification of all the pros and cons that would go into the brochure. Executive Administrator Narikiyo responded the 1992 digest was virtually identical to the text that appeared in the mass mailing. He stated it could be different this time. There is the brochure, mass mailing, digest, and the big newspaper ad.

Chair Sullivan asked Corporation Counsel if they could help instruct the Committee as far as the procurement process. If the Committee anticipates needing to procure a media consultant, publishing services and mailing services, how does that need to be handled? Deputy Corporation Counsel Kawauchi responded she thinks there's a dollar limit, if it's under \$25,000, you would solicit three bids in the community. If it's above that than it would have to be competitively bid and the consultant would probably be a professional services contract. Deputy Corporation Counsel Kawauchi stated they could help with that and provide the specifics. Commissioner Myers had a follow-up question and clarification. He asked Deputy Corporation Counsel Kawauchi she stated if it was under \$25,000 the could go out into the community to get three bids and if it was over it was a competitive bid. He asked what's the difference between the two? Deputy Corporation Counsel Kawauchi responded there is a newspaper publication requirement. Chair Sullivan clarified the requirement for under \$25,000 is a low bid, they would set the parameters, put them out and solicit at least three and select the low bid. Deputy Corporation Counsel Kawauchi responded yes.

Chair Sullivan stated out of all of the items they are estimating at this time, the main thing that may be potentially over the procurement amount would be the mailing and printing. Commissioner Myers responded combined on the handout they are over the amount but is not sure if they should consider postage competitive because postage is postage. He goes on to say if they take out the postage from the mailing services, it would be well under \$25,000. Commissioner Myers stated he would not recommend to ask a mailing house to do the printing or to get the bids for the printing but would go directly to the printers and therefore that would bring it under \$25,000. He went on to

say if a mailing house does all the printing they would take a mark up on it and the Commission would do better going directly to the printer. He noted he had a bid from the printer and a bid from the mailing house and knows they used the same printer and the mailing house bid is much higher than the bid he got directly from the printer. Chair Sullivan asked about the postage estimate was \$50,000. Commissioner Myers responded it's hard to get a bid on postage because postage is postage. He stated you can't competitively bid postage, but you could bid for the services such as the binding and putting it in envelopes and placing the stamps on them. He clarified if they took the postage and mailing house services out the bid would be under \$25,000.

Executive Administrator Narikiyo stated whatever the case is, they would find out the needs to be done and do it. He went on to say there may be circumstances where there is only one vendor or a limited amount of vendors that can do certain types of work, and these might be exceptions under the procurement laws. Commissioner Myers stated the easiest and most expensive way to do this would be to go to one vendor and have them do the entire job. He stated he is willing to put in the time and do separate RFP's to make sure they get the most competitive bids.

Chair Sullivan stated her concern in raising the issue was that if they do have to do the procurement, it would affect their schedule and would have to start that now. Executive Administrator Narikiyo commented they would have to start that immediately. He suggested that Committee could delegate that task to the staff or Commissioner Myers so that it got done before the next Committee meeting so they would have options to review and vote on at the next Committee meeting before the next full Commission meeting. Commissioner Grau asked if that would require a vote? Executive Administrator Narikiyo responded he would think so if they are delegating a task. Executive Administrator Narikiyo explained he would recommend to staff or one Committee member as opposed to a sub-Committee or Task Force, because under the Sunshine Law they would have that three meeting situation where the Task Force has to come back to report, then they need another meeting to vote on the recommendation. He went on to say if the Committee is comfortable delegating that task to a single member that would save time. Chair Sullivan asked Executive Administrator Narikiyo the task he is referring to is specifically to do what? Executive Administrator Narikiyo responded it is specifically soliciting bids for the Committee's review for the services for printing of the mass mailing brochure, mailing of the same and media consulting services if required by procurement law. Commissioner Grau asked if the media consulting services include the production of the print and the electronic media? Executive Administrator Narikiyo responded he would recommend that in the request for proposal to include those services in the bids they solicit. Commissioner Myers commented he would recommend tasking it to staff and he would be the consultant.

Commissioner Grau recommended that if the budget allows that the television media be in conjunction with the news programs on all four stations so that all voters could be exposed to it. He clarified if the Commission chooses one station over the others; people who have other favorite shows would miss it. Executive Administrator Narikiyo clarified that Commissioner Grau was asking not to just put it on one or two stations but to cover all stations. Commissioner Grau also recommended that it be in conjunction with the evening news either 6:00p.m. or 10:00 p.m. Commissioner Myers agreed with Commissioner Grau and some of the commercials would be in the news and because

the news has the most expensive spots it might be right before the sports. Executive Administrator Narikiyo stated the specifics could be more detailed and presented to the Committee later but right now they just need to decide on a general plan.

Commissioner Takaki asked Corporation Counsel if there were any concerns with delegating the task to the staff or a Commissioner in the case they were discussing? Deputy Corporation Counsel Kawauchi responded she doesn't believe so and stated the Committee would be specific in what it is delegating.

ACTION:

Commissioner Grau moved to delegate to staff the solicitation of vendors in accordance with applicable procurement laws to secure mailing services, printing services for the brochure and media consulting services including production of TV and radio advertisements and print production for presentation to the Committee at its next meeting. Commissioner Takaki seconded that motion. Discussion followed.

Commissioner Grau commented he concluded that both the production and the presentation would be included in the media consulting services. Executive Administrator Narikiyo responded that the solicitation of bids for media consulting services would include production of television and/or radio advertisement. Commissioner Myers stated the proposal that the staff would bring back to the Committee would be solely for the fees associated with doing that and would not include all of the cost of the media schedules, that's something that that persons' job would be. Commissioner Myers clarified that in the consulting fee they would take the production costs, negotiate with one of the stations for production so that it would be part of the consultant fees.

AYES: SULLIVAN, GRAU, MIKULINA, MYERS, TAKAKI - 5
NOES: NONE - 0
EXCUSED: HIRANO, LENDIO - 2

Motion passed

Commissioner Takaki asked if they needed to approve the Public Education Plan? Executive Administrator Narikiyo responded yes. Commissioner Takaki added that the plan should include press releases, PSA's and the website.

ACTION:

Commissioner Takaki moved to approve the public education plan dated July 20, 2006 presented to the Committee by staff with the addition of press releases, PSA's and the website for both the September and October sections of the plan calendar. Commissioner Mikulina seconded that motion. Discussion followed.

Commissioner Mikulina stated they should use the website to focus on what would actually be on the ballot. He went on to say maybe a sample of the ballot and to have

the proposals in the same order, as they would appear on the ballot and to have the individual proposals available and the complete digest for that proposal. Commissioner Mikulina offered his assistance to work with staff on scheduling, help bring in other Commissioners to make presentations and possibly making a power point of the different items.

Chair Sullivan asked on the presentation portion of the calendar, would he be asking staff to put together a draft proposal and schedule on how to organize it. She asked if that was part of the action? Commissioner Mikulina responded maybe if they could amend the plan to look at all the Neighborhood Board schedules but also other organizations. Executive Administrator Narikiyo clarified for purposes of this meeting they don't need to be too specific on approving "a plan" for presentation to the full Commission, he doesn't think it's necessary to get too specific.

AYES: SULLIVAN, GRAU, MIKULINA, MYERS, TAKAKI - 5
NOES: NONE - 0
EXCUSED: HIRANO, LENDIO - 2

Motion passed

4. Informational Materials

Executive Administrator Narikiyo asked the Committee to delegate to staff in conjunction with Commissioner Myers as a consultant, the preparation of graphics, mock-ups and the like for the brochure and digest/notice. He asked to table that.

Chair Sullivan asked to clarify that he would like a specific motion to delegate to staff the task he mentioned? Executive Administrator Narikiyo responded yes.

Executive Administrator Narikiyo clarified he would like the Committee to take care of a couple of things. First action would be the tasks he mentioned earlier and second would be for the Committee to decide on the general format of the brochure and digest.

Chair Sullivan thanked staff for doing the research and giving the Committee ideas on what other jurisdictions have done. She noted they are in the attachment. She stated she felt some of the other jurisdiction examples were a bit too much. She commented she likes the 1992 brochure because she felt it was a much simpler format and it presented the item in the form of a question as suggested by Mr. Heinrich and it states the present situation and then a very simple summary if the proposal passes. She asked if the other Commissioners had comments. Commissioner Mikulina stated he agreed with Chair Sullivan that the 1992 brochure is the cleanest and agreed with Mr. Heinrich's testimony about the pros and cons. Commissioner Takaki stated he agrees they should not have pros and cons and noticed the 1998 brochure included the charter language, which he feels would confuse the voters if they included the charter language. He noted having the digest is not necessary because he thinks it's going to be covered like the other parts in the 1992 materials. Chair Sullivan asked staff for clarification if

the 1992 digest included a copy of the actual ballot? Executive Administrator Narikiyo responded that a sample ballot was part of the brochure.

Commissioner Mikulina asked staff aside from the website, where can voters get the full ramseyered text? Executive Administrator Narikiyo responded it's required to be available at the City Clerk's office, and copies would also be at the Charter Commission office, and that they intend to distribute it to public libraries. Copies would be available at every voting poll as well.

Executive Administrator Narikiyo stated staff would come up with various alternatives for the Committee to consider.

ACTION:

Commissioner Mikulina moved to task the staff to develop a digest similar to the 1992 Honolulu Charter Commission in format that is clear and concise. Commissioner Takaki seconded that motion. Discussion followed.

Executive Administrator Narikiyo clarified that motion would cover all the items he requested the Committee to task earlier.

AYES: SULLIVAN, GRAU, MIKULINA, MYERS, TAKAKI - 5
NOES: NONE - 0
EXCUSED: HIRANO, LENDIO - 2

Motion passed

5. Announcements - None

- 6. Next Meetings** - Executive Administrator Narikiyo stated the full Commission next meeting would be the latter part of August because the deadline to get the ballot questions to the Clerk's office is September 1. The full Commission would have to approve the final ballot language, discuss and finalize the Committee on Style's report and also pertinent to this Committee they would have to review the draft of the brochure/digest. They would also have to review the public information plan approved by this committee. He stated this Committee would have to meet before the full Commission meeting to review the mock-ups, review the language and approve it to present it to the full Commission meeting. The meeting would be done during the week of August 14 and Commissioner Lendio is unavailable from August 7 – 17. Executive Administrator Narikiyo stated he would poll the Committee members and would get back to the Committee members.

7. Adjournment –

Commissioner Takaki moved to adjourn. Commissioner Grau seconded that motion.
Meeting adjourned at 5:08 p.m.